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APR 20 2011
DEPARTMENT OF
WATER RESOURCES

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Attorney for Big Wood Canal Company

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE: SRBA	)	Subcase Nos.: 37-28F, 37-297K
	)	
Case No. 39576	)	TRIAL BRIEF
_____	)	

Idaho Department of Water Resources has recommended the above two rights on the same parcel property. The total number of cubic feet per second (cfs) of the above two rights equals 1.44cfs for 15.1 acres. That computes to 72 inches for 15.1 acres or 4.768 inches per acre.

Neither the Department nor the Claimant has set forth any justification for the large amount recommended or claimed. There is no combined use remark recommended.

Idaho Code §42-220 provides, in part, as follows:

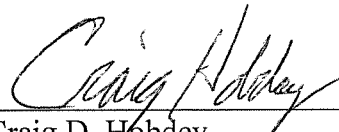
"...when water is used for irrigation, no such license or decree of the Court allotting such water shall be issued confirming the right to the use of more than one second foot of water for each fifty (50) acres of land so irrigated, unless it can be shown to the satisfaction to the Department of Water Resource in granting such license, and to the Court in making such decree, that a greater amount is necessary, and neither such licensee nor anyone claiming the right under such decree shall at any time be entitled to the use of more water than can be beneficially applied on the lands for the

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benefit of which such right may have been confirmed...”

Obviously, one second foot of water for each fifty acres of land calculates to one inch per acre. The excessive recommendation and claim provide no reason for allocating such a great amount and therefore the recommendation and decree should be reduced accordingly and a combined use remark added to both recommendations.

DATED THIS 19 day of April, 2011.



Craig D. Hobdey

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19 day of April, 2011, I served a true and correct copy of the foregoing PRETRIAL MEMORANDUM by the method indicated below and addressed to the following:

The original and one copy to:

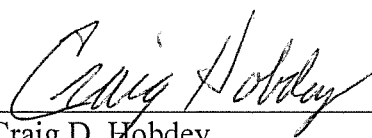
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

Copies to:

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IDWR
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TRIAL BRIEF